

Case 3:24-cv-00218 Document 43 Filed 12/26/24 Page 1 of 5 PageID #: 280

deadlines for dispositive motions, completion of discovery [and] other pretrial matters.”¹

This representation to the Court reflects the parties’ agreement to defer certain discovery, including potential costly depositions and the preparation and briefing of dispositive motions, until after the mediation. Plaintiffs and perhaps other parties expected to have time to conduct further discovery prior to having to prepare or respond to dispositive motions. The Agreed Motion was granted by the Court on December 12, 2024. [Doc 39] extending deadlines to:

Old Deadline:	New Deadline:	
12/13/2024	03/11/2025	DISCOVERY CUTOFF, DEPOSE ALL FACT AND EXPERT WITNESSES
12/20/2024	02/11/2025	ALL DISCOVERY MOTIONS, JOINT DISCOVERY DISPUTE STATEMENT, AND SECOND CASE RESOLUTION PLAN AND JOINT STATUS REPORT
01/16/2025	04/25/2025	ALL DISPOSITIVE MOTIONS.

Despite the parties’ implicit agreement, on December 13, 2024, Defendants Bacar Constructors, Inc. (“Bacar”) filed their Motion for Summary Judgment [Doc. 40], Memorandum in Support [Doc. 41], and Statement of Undisputed Material Facts in Support [Doc. 42] (the “Motion”). Pursuant to Local Rule CV-7(f), the deadline for Plaintiff’s Response to Defendant Bacar’s Motion is January 3, 2025. Plaintiffs’ counsel has a vacation that week that was scheduled many months ago. Plaintiffs’ counsel reached out to Bacar’s counsel and for all these reasons and due to the intervening Christmas and New Years holidays, requested an extension to respond to the motion for summary judgment until after the mediation. While acknowledging that the briefing and decision on the motion for summary judgment could not possibly be completed until *after* the mediation, Bacar’s counsel declined to agree to any extension unless Plaintiffs provided a summary response to the motion.

¹ [Doc 38, p.3].

Respectfully, due to the intervening Christmas and New Years holidays, Plaintiffs' counsel's vacation, scheduled mediation, the parties' implicit agreement to defer discovery and dispositive motions, in order to enable Plaintiffs to schedule and take certain potential depositions and the press of other business, Plaintiffs seek and extension time of four (4) weeks after mediation to and including February 24, 2025, within which to file a Response.

Defendant has opposed the extension sought herein.

The relief requested herein is not sought for the purpose of delay, but so that justice may be done. The granting of the requested relief will not unduly prejudice Defendants in this matter.

Wherefore, Plaintiffs respectfully request that this Motion be granted, and that the Plaintiffs be granted an extension of time, to and including February 24, 2025, within which to file a Response to Defendant Bacar Constructors, Inc.'s Motion for Summary Judgment [Doc. 40], Memorandum in Support [Doc. 41], and Statement of Undisputed Material Facts in Support [Doc. 42], and for such other and further relief the Court deems just and proper.

Dated: December 26, 2024.

Respectfully Submitted,

CALHOUN & ASSOCIATES

/s/ Eric G. Calhoun

Eric G. Calhoun

Texas Bar No. 03638800

1595 N. Central Expressway

Richardson, Texas 75080

(214) 766-8100

(214) 308-1947 Fax

eric@ecalhounlaw.com

egcla@ecalhounlaw.com (Assistant)

M. Todd Sandahl, #19167

Attorney at Law

234 First Avenue South

Franklin, Tennessee 37064

Telephone: (615) 794-3450

Facsimile: (615) 794-3510
tsandahl@mtslaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I certify that I conferred with Gregory Lee Cashion, counsel for Defendant Bacar Constructors, Inc., and he stated that he would not agree to an extension unless Plaintiffs provided a written summary their response to the motion and therefore opposes this motion.

/s/ Eric G. Calhoun
Eric G. Calhoun

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2024, the foregoing has been electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

Brian Walthart
Matthew Byron
LEWIS BRISBOIS BISGAARD & SMITH
LLP
1222 Demonbreun St., Suite 1801
Nashville, Tennessee 37203
brian.walthart@lewisbrisbois.com
matthew.byron@lewisbrisbois.com

*Counsel for Defendant Blue Hills Holdings,
LLC*

Gregory Lee Cashion
Joseph A. Tisone, Jr.
SMITH, CASHION & ORR, PLC
One American Center
3100 West End Avenue, Suite 800
Nashville, Tennessee 37203
gcashion@smithcashion.com
jtisone@smithcashion.com

Counsel for Defendant Bacar Constructors, Inc.

Luke H. Neder
Brian S. Spitler
COPELAND, STAIR, VALZ, AND
LOVELL, LLP
735 Broad Street, Suite 1100
Chattanooga, Tennessee 37402
lneder@csvg.law
bspitler@csvg.law

Counsel for Defendant 906 Studio, PLLC

Emmie Kinnard
Chicoya Smith Gallman
ORTALE KELLEY LAW FIRM
330 Commerce Street, Suite 110
Nashville, Tennessee 37201
ekinnard@ortalekelley.com
cgallman@ortalekelley.com

Counsel for Defendant BNA Investments, GP

M. Todd Sandahl
Attorney at Law
234 First Avenue South
Franklin, Tennessee 37064
tsandahl@mtslaw.com

Counsel for Plaintiffs

/s/ Eric G. Calhoun

Eric G. Calhoun